

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re RICHARD BELL,

No. C 10-04885 CW (PR)

ORDER GRANTING REQUEST FOR
EXTENSION OF TIME FOR
PETITIONER TO FILE HIS PETITION

On October 5, 2010, Petitioner, a state prisoner, filed a document with the Court in the instant case, which was opened as a habeas corpus action. On the same day the action was filed the Clerk of the Court sent a notice to Petitioner informing him that his action could not go forward until he filed with the Court a 28 U.S.C. § 2254 habeas petition form, completed in full, within thirty days or his action would be dismissed.

Before the Court is Petitioner's motion for an extension of time to file his petition.

Good cause appearing, the request is GRANTED. The time in which Petitioner may file his petition will be extended up to and including sixty (60) days from the date of this Order.

If Petitioner fails to file a completed § 2254 habeas petition form within the sixty-day deadline, this case will be closed for failure to prosecute under Rule 41(b) of the Federal Rules of Civil Procedure. See Link v. Wabash R.R., 370 U.S. 626, 633 (1962) (pursuant to Rule 41(b), a district court may sua sponte dismiss an action for failure to prosecute or to comply with a court order); see also Malone v. United States Postal Serv., 833 F.2d 128, 133

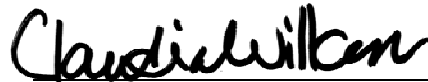
1 (9th Cir. 1987) (the district court should afford the litigant
2 prior notice before dismissing for failure to prosecute).

3 The Clerk shall send Petitioner a blank § 2254 habeas petition
4 form.

5 This Order terminates Docket no. 4.

6 IT IS SO ORDERED.

7 Dated: 1/25/2011



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

RICHARD BELL,

Plaintiff,

v.

/ et al,

Defendant.

Case Number: CV10-04885 SBA

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on January 25, 2011, I SERVED a true and correct copy(ies) of the attached, **and a blank § 2254 habeas petition form**, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Richard Bell J-24297
California Men's Colony East State Prison
P.O. Box 8101
San Luis Obispo, CA 93409-8101

Dated: January 25, 2011

Richard W. Wieking, Clerk
By: Nikki Riley, Deputy Clerk

United States District Court
For the Northern District of California